



DECONSTRUCTION OF THE WAHĀBĪS FOR
THEIR DISRESPECT OF MUSLIM GRAVES

by

Imām Aḥmad Riḍā Khān al-Qādirī'

Translated by Muḥammad Kalīm al-Qādirī

An Al-Ihya Foundation Publication

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

إِهْلَاكُ الْوَهَّابِيِّينَ عَلَى تَوْهِينِ قُبُورِ الْمُسْلِمِينَ

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Book Name: Deconstruction of the Wahhābīs for their
Disrespect of Muslim Graves

Original Text: *Ihlāk al-Wahhābiyyīn ‘alā Tawhīn Qubūr al-Muslimīn*

Author: Imām Aḥmad Riḍā Khān 

Translator: Muḥammad Kalīm al-Qādirī

First Edition: Ṣafar 1439 AH/ November 2017

Acknowledgements: Shaykh Monawwar ‘Aṭīq, Moulana Ibrār
Shafi and all who contributed to this book.
Special thanks to Abu Ḥasan for reviewing the
drafts.

Cover Design &

Typeset by: ‘Ādil Salīm

Published by: al-Ihya Foundation
Bolton, UK
info@alihya.org.uk

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TRANSLITERATION KEY

| Arabic | Letter | Transliteration | | Arabic | Letter | Transliteration |
|--------|--------|-----------------|--|--------|--------|-----------------|
| ا | Alif | A | | ط | Ṭā' | Ṭ |
| ب | Bā' | B | | ظ | Zā' | Z |
| ت | Tā' | T | | ع | ‘Ayn | ‘ |
| ث | Thā' | TH | | غ | Ghayn | GH |
| ج | Jīm' | J | | ف | Fā' | F |
| ح | Ḥā' | Ḥ | | ق | Qāf | Q |
| خ | Khā' | KH | | ك | Kāf | K |
| د | Dāl | D | | ل | Lām | L |
| ذ | Dhāl | DH | | م | Mīm | M |
| ر | Rā' | R | | ن | Nūn | N |
| ز | Zāy | Z | | ه | Hā' | H |
| س | Sīn | S | | و | Wāw | W |
| ش | Shīn | SH | | ي | Yā' | Y |
| ص | Ṣād | Ṣ | | ء | Hamzah | ‘ |
| ض | Ḍād | Ḍ | | | | |

| | | | | | | | | | | | |
|----|-----|-----|-----|----|----|-----|-----|-----|----|----|----|
| لا | بُّ | بِّ | بَّ | بْ | بُ | بُو | بِي | بَا | بُ | بِ | بَ |
| lā | bbu | bbi | bba | bb | b | bū | bī | bā | bu | bi | ba |

PREFACE



In order to help make sense of the so-called Islamic States (‘ISIS’) destruction of the blessed resting places, shrines (*maqāmāt*), one needs only to briefly consider the doctrine and history of Wahhābī sect.

Among the hallmarks of the Wahhābī fitnah is iconoclasm, the destruction of the resting places of not only the saints (Awliyā’) but also the Prophets (upon them is Allah’s peace), under the pretext of purifying Muslim lands from polytheistic practices.

1802 – An army led by Muḥammad ibn ‘Abd al-Wahhāb (the founder of Wahhabism) and Muḥammad ibn Sa‘ūd occupy Ṭā’if and begin a bloody massacre.

1803 – They occupy Makkah al-Mukkaramah and destroy many sacred places and level all the existing domes, even those built over the well of Zamzam.

1806 – They occupy al-Madīnah al-Munawwarah not leaving any religious building, including mosques, without demolishing it, whether inside or outside the Baqī’ (the blessed cemetery). They harboured intention to mausoleum

and grave of the Messenger of Allah (peace and blessings of Allah are upon him) but never succeeded.

The Wahhabi army’s destruction campaign targeted, among others: the graves of the martyrs of Uhud, the mosque at the grave of Sayyid al-Shuhadā’ Sayyidunā Ḥamza ibn ‘Abd al-Muṭṭalib, the mosques outside the Baqī’, the Mosque of Sayyidatunā Fāṭima al-Zahrā’, the Mosque of al-Manaratain and Qubbat al-Thanāyā (the burial site of the Prophet’s incisor that was broken in the battle of Uhud).

1818 - the Wahhabis are defeated by the Ottomans and withdraw from the Two Sanctuaries. The Prophet’s Mosque and the monuments at Uhud are rebuilt as well as rebuilding al-Baqī’ with large dome over the graves of the Prophet’s daughter Sayyidatunā Fāṭima al-Zahrā’, Imām Zayn al-‘Ābidīn (‘Alī ibn al-Ḥusayn ibn ‘Alī), Imām Muḥammad ibn ‘Alī al-Bāqir and Imām Ja‘far al-Ṣādiq.

April 21, 1925, the domes in al-Baqī’ are demolished once more by the Wahhabis along with the tombs of the holy personalities in Maqbarah al-Ma‘lā in Makkah al-Mukarramah, where the Holy Prophet’s mother, beloved wife, Sayyidatunā Khadījah, grandfather and other ancestors are laid to rest.

Destruction of the sacred sites in the Hijaz continues till this day.

ISIS/ISIL are a second coming, arguably a more radical

strain still and have extended the destruction of sacred sites to other Muslim lands. In 2012, the shrine of Sidi Aḥmad al-Zarrūq in Libya was destroyed and his blessed body exhumed. In 2014 they destroyed the grave and mosque of Sayyidunā Yūnus (Allāh's peace is with him) and other examples...

In this fatwā, A'la Ḥaḍrat Imām Aḥmad Riḍā Khān al-Qādirī (Allāh's mercy be upon him) masterfully elucidates the sanctity of Muslim graves.

We pray that Allah the Most Exalted accepts this work and makes it a means of our salvation in both worlds

Āmīn

Tuesday 25th Ṣafar 1439 AH

14th November 2017

QUESTION



What do the learned scholars of the religion and Muftīs of the Sharīʿah (Sacred Islamic Law) say with regards to the permissibility, or otherwise, of deliberately excavating (old) graves in a (Muslim) cemetery for the construction of residential homes according to the Ḥanafī School of Jurisprudence; and would doing so entail the dishonouring and disrespect of the deceased?

Please clarify; may you be rewarded.

EDICT OF MUFTĪ ‘UMAR AL-DĪN AL-HAZĀRWĪ



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Allāh’s Name to proceed with, the Most Compassionate, the Most Merciful.

Only from Him is guidance to the truth and to the path of righteousness.

It should be known that the degree of enmity that the Najdī-Wahābīs harbour against Prophets ﷺ, the Saints (Awliyā’) and even the ordinary folk of the Ahl al-Sunnah, is unfound in any other deviant sect.

It is for this reason the books of the accursed leaders of this deviant sect are filled with vile insults against people who are beloved to Allāh.

Whoever desires (to verify this) can pick up and peruse the corrupt books of Najdī Mullās such as Ismā‘īl al-Dihlawī,¹ Şiddīq Ḥasan Bhopālī,² Khurram ‘Alī,³ Rashīd Gangohī⁴ and others can see that they are filled with vile insults.

One among such insults which has become the hallmark

1 See *Taqwīyat (Tafwīyat) al-Īmān, Risālah Yāk Rozī* etc.

2 See *Urf al-Jādī min Jinān Hady al-Hādīy*

3 See *Naşīhat al-Muslimīn* by Khurram ‘Alī

4 See *Tāhḍhīr al-Nās, al-Fatāwā al-Rashīdiyyah*

of this sect is the demolition of graves of Prophets ﷺ, Martyrs and the Saints.

Ibn ‘Abd al-Wahhāb al-Najdī Intended to Destroy the Blessed Mausoleum

In his book, Faṣl al-Khiṭāb fī Radd Ḍalālāt ibn ‘Abd al-Wahhāb, Shaykh Aḥmad ibn ‘Alī al-Baṣrī writes:

منها أنه صح أنه يقول لو أقدر على حجرة الرسول صلى الله تعالى عليه و سلم لهدمتها

“Amongst those (evil utterances) that he truly uttered is that he (Muḥammad ibn ‘Abd al-Wahhāb al-Najdī) said: *If I ever obtain the power and authority I would destroy the Mausoleum of the Messenger* [.]”

Ibn ‘Abd al-Wahhāb al-Najdī Desecrated and Destroyed the Graves of the Shuhadā’ and Ṣaḥābah.

In the same book Shaykh Aḥmad al-Baṣrī states:

تهديم قبور شهداء الصحابة المذكورين لأجل البناء على قبورهم ضلالة أى ضلالة

“*The Najdī destruction of the graves of the martyred Companions ﷺ in order to construct over them is a monumental error and misguidance.*”

He further writes:

قال بعضهم و لو كان المبنى عليه مشهورا بالعلم والصلاح أو كان صحابيا و كان المبنى عليه قبة و كان البناء على قدر قبره فقط، ينبغي أن لا يهدم لحرمة نبشه و إن اندرس إذا علمت هذا فهذا البناء على قبور هؤلاء الشهداء من الصحابة رضى الله تعالى عنهم لا يخلو إما أن يكون واجبا أو جائزا بغير كراهة و على كل فلا يقدم على الهدم إلا رجل مبتدع ضال لاستلزامه انتهاك حرمة أصحاب رسول الله صلى الله تعالى عليه و سلم الواجب على كل مسلم محبتهم و من محبتهم وجوب توقيرهم و أي توقيرهم عند من هدم قبورهم حتى بدت أبدانهم

وأكفانهم كما ذكر بعض علماء نجد في سوال أرسله إليّ

انتهى مختصراً

“Some of the scholars have stated that if a tomb has been constructed over the grave of a well-known scholar, a pious individual or a Companion ” and the tomb is only the size of the grave, then due to the prohibition of excavating the grave, it should not be destroyed, even if the apparent signs of the grave have become effaced.

It should also be known that to build a structure over the graves of the martyred Companions ﷺ will be ruled as being either necessary (wājib) or permissible without any dislike (jā’iz bi-ghayr karāhah); and (as mentioned above) demolishing the structure is prohibited in any instance - and therefore, only an innovator and a misguided individual would do such an act as it would entail disrespect and violate the sanctity and honour of the illustrious Companions of the Beloved Messenger], when in actual fact, it is incumbent upon each and every Muslim to love and to revere them.

Therefore, how can those who desecrate the graves of Martyrs, (to the extent that, in some instances, their sacred bodies and shrouds have been exposed, as has been admitted to by some scholars of al-Najd in their answers to questions on this subject matter) be referred to as ‘people of respect and reverence?’”

[Summarised]

The Unscrupulous Wahābīs Believe – Allāh Forbid! – that the Prophets ﷺ and Awliyā’ ﷺ have Died and Turned into Soil

According to these wretched individuals, after the apparent physical death, they (the Prophets ﷺ and Awliyā’ ﷺ) become bereft of any life, completely insentient and – Allāh forbid! – their bodies have decomposed to become ‘mixed with the soil’.

Mullā Ismā‘īl al-Dihlawī writes in his infamous *Tafwiyat al-Īmān*⁵ (pg. 60) (with regards the Messenger of Allāh ﷺ):

میں بھی ایک دن مر کر مٹی میں ملنے والا ہوں
*“I too shall die one day and become dust.”*⁶

When such is the wickedness of the beliefs held by these accursed individuals, not only regarding destroying the blessed mausoleum of the Messenger of Allāh ﷺ and the shrines of the Martyrs and Companions رضی اللہ عنہم, but also with regards to the Messenger of Allāh ﷺ himself, what real need arises to state their beliefs with regards to the mere believing and righteous Muslims.

When the destruction and desecration of the graves of the Mu’minīn, in fact, even of the Awliyā’ رضی اللہ عنہم, has become a hallmark of the Najdī-Wahābīs, it is not permitted for anyone (in the case outlined in the question) to demolish the graves of the Mu’minīn let alone excavate them to construct homes of residence so that people may indulge in their whimsical worldly desires. This is undoubtedly and evidently a means of

5 The actual name of the book is *Taqwiyat al-Īmān*, but A‘lā-Ḥaḍrat Imām Aḥmad Riḍā Khān al-Qādirī رحمہ اللہ, refers to it as *Tafwiyat al-Īmān* (that which is a means of one losing his faith!). Mawlānā Makḥṣūṣullāh al-Dihlawī (Ismā‘īl’s cousin) was the first to coin this name.

6 Pg. 42 of the Maṭba‘ ‘Alīmī, Lahore edition.

We mentioned above in the statement of Shaykh al-Baṣrī that when the Najdīs desecrated the graves of the martyred Companions رضی اللہ عنہم, their bodies and even their shrouds were safe and intact; despite approximately 1200 years having passed since they had been laid to rest. Thus, utter shame on Mullā Ismā‘īl and his ignoramus Wahābī followers who hold such ugly beliefs in respect of the sublime Messenger of Allāh ﷺ; beliefs that can never be held by a Muslim. May Allāh Most Exalted, safeguard the Ahl al-Sunnah from their evil company. āmīn.

inflicting great pain upon the occupant of the grave, entails great disrespect and is a violation of their rights – which are prohibited under any circumstances.

According to the Ahl al-Sunnah: The Prophets ﷺ, Martyrs and the Awliyā’ ﷺ are Alive in their Graves with their Bodies Untouched and Shrouds Intact

According to the Ahl al-Sunnah, the Prophets ﷺ and Martyrs are alive (in their graves) with their blessed bodies untouched. In fact, it has been made forbidden (by Allāh) for the earth to consume the exalted bodies of the Prophets ﷺ. In the same way, the bodies and shrouds of the Martyrs and the Awliyā’ ﷺ are untouched and intact. They are granted sustenance and provisions (by Allāh).

Imām al-Subkī states in his *Shifā’ al-Saqām fī Ziyārat Khayr al-Anām*:

وحياة الشهداء أكمل وأعلى فهذا النوع من الحياة والرزق لا يحصل لمن ليس في رتبتهم، وإنما حياة الأنبياء أعلى وأكمل وأتم من الجميع لأنها للروح والجسد على الدوام على ما كان في الدنيا

“The lives of the *Shuhadā’* (Martyrs) are highly exalted. The nature of their lives, sustenance and provisions is not afforded to other than those of the same (or loftier) rank; and the Prophets ﷺ have been honoured with the loftiest and most superior rank as they are with body and soul just as they were in this apparent world and they shall remain so forever.”⁷

Al-Qāḍī Thanā’ullāh Pānīpatī states in his *Tadhkirah al-Marwtā*:

7 *Shifā’ al-Saqām fī Ziyārat Khayr al-Anām* – The Fourth Section of the Ninth Chapter, pg. 356

اولیاء اللہ گفتہ اند ارواحنا اجسادنا یعنی ارواح ایشاں کار اجساد مے کنند وگاھے
اجساد از عنایت لطافت برگ ارواح مے برآید، می گویند کہ رسول خدا راسیہ نبود
(صلی اللہ تعالیٰ علیہ وسلم) ارواح ایشاں از زمین و آسمان و بہشت ہر جہا کہ
خواہند مے روند، و بسبب ایں ہمیں حیات اجساد آنہا را در قبر حنا کہ
نمی خورد بلکہ کفن ہم می باند، ابن ابی الدنیا از مالک روایت نمود ارواح مومنین ہر جہا کہ
خواہند سیر کنند، مراد از مومنین کاملین اند، حق تعالیٰ اجساد ایشاں را قوتِ ارواح
مے دہد کہ دو قہر نماز میخوانند (اذا کنند) و ذکر می کنند و قرآن کریم مے
خوانند

“The Awliyā’ ﷺ have said, ‘Our souls are our bodies.’ What is meant by this is that, at times, the souls of the Awliyā’ perform the actions of their bodies while at other times their bodies – due to their exceedingly subtle (latīf) nature – take on the attributes, manifest and function like souls; it is stated that the Messenger of Allāh ﷺ did not possess a shadow (indicating the sublimely subtle nature of his blessed body). Their souls freely roam wherever on earth, in the heavens and in Jannah as they so please. For this reason, the soil of the earth does not consume their bodies; rather, even their shrouds remain unblemished and intact.

Ibn Abī al-Dunyā has related on the authority of Imām Mālīk رحمہ اللہ:

‘The souls of the (deceased) true believers can freely roam wherever they desire.’ The reference to ‘believers’, here, is to the ‘elite’ among them; The Manifest Truth (al-Ḥaqq i.e. Allāh) grants their bodies the power of the souls, thus they perform Ṣalāh⁸, engage in dhikr and recite the Holy Qur’ān

8 The Messenger of Allāh ﷺ saw Sayyidunā Mūsā رحمہ اللہ on the Night of the Ascension performing Ṣalāh in his blessed mausoleum:

عَنْ أَنَسِ بْنِ مَالِكٍ ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، قَالَ : أَتَيْتُ ، وَفِي رِوَايَةٍ هَذَا

مَرَرْتُ عَلَى مُوسَى لَيْلَةَ أُسْرِيَ بِي ، عِنْدَ الْكَثِيبِ الْأَخْضَرِ ، وَهُوَ قَائِمٌ يُصَلِّي فِي قَبْرِهِ

On the authority of Sayyidunā Anas ibn Mālīk رحمہ اللہ who relates that the Messenger of Allāh ﷺ said: “I came to [and in a variant narration – I went past] [Sayyidunā] Mūsā رحمہ اللہ on the Night Journey, near the red sand dunes and he was stood in prayer in his grave.” [Ṣaḥīḥ Muslim - Kitāb al-Faḍā’il, also in Sunan al-Nasā’ī, al-Musnad of Imām Aḥmad ibn Ḥanbal etc.]

*in their graves.*⁹

Shaykh al-Hind ‘Abd al-Ḥaqq al-Muḥaddith al-Dihlawī in Ashi‘ah al-Lam‘āt, his commentary on Mishkāṭ al-Maṣābīḥ, states:

اولياءِ خدائے تعالیٰ نقل کرده شدند ازین دارفانی بدارفانی وزنده اند نزد پروردگار
خود، و مرزوق اند و خوشحال اند، و مردم را ارزاں شعور نیست

“The *Awliyā*’ of Allāh ﷺ have passed from this mortal abode (*dār al-fanā*) to the abode of immortality (*dār al-baqā*) and are alive in the [presence] of their Lord; they are granted provisions and are in a state of bliss but people

حَدَّثَنَا شَيْبَانُ بْنُ جَسْرٍ عَنْ أَبِيهِ ، قَالَ : أَنَا وَاللَّهِ الَّذِي لَا إِلَهَ إِلَّا هُوَ أَدْخَلْتُ ثَابِتًا الْبُنَانِيَّ لِحَدِّهِ وَمَعِيَ حَمِيدُ الطَّوِيلِ أَوْ رَجُلٌ غَيْرُهُ - شَكَ مُحَمَّدٌ - قَالَ : فَلَمَّا سَوَّيْنَا عَلَيْهِ اللَّيْنَ سَقَطَتْ لَبَنَةٌ فَإِذَا أَنَا بِهِ يُصَلِّي فِي قَبْرِهِ ، فَقُلْتُ لِلَّذِي مَعَهُ : أَلَا تَرَى ؟ قَالَ : أَسْكُتْ ، فَلَمَّا سَوَّيْنَا عَلَيْهِ وَفَرَّغْنَا أَتَيْنَا ابْنَتَهُ فَقُلْنَا لَهَا : مَا كَانَ عَمَلُ أَبِيكَ ثَابِتٍ ؟ فَقَالَتْ : وَمَا رَأَيْتُمْ ؟ فَأَخْبَرْنَاَهَا فَقَالَتْ : كَانَ يَقُومُ اللَّيْلَ خَمْسِينَ سَنَةً فَإِذَا كَانَ السَّحَرُ ، قَالَ فِي دُعَائِهِ : اللَّهُمَّ إِنْ كُنْتُ أُعْطِيتُ أَحَدًا مِنْ خَلْقِكَ الصَّلَاةَ فِي قَبْرِهِ فَأَعْطِنِيهَا ، فَمَا كَانَ اللَّهُ لِيُرَدَّ ذَلِكَ الدُّعَاءُ

Sayyidunā Shaybān ibn Jisr relates from his father who said: “I swear by Allāh the One besides Whom there is none worthy of worship – I went to the grave of Thābit al-Bunānī with Humayd al-Ṭawīl, or someone else (the narrator, Muḥammad, is not sure). On straightening the [unbaked] bricks over him [his grave], one brick fell and lo and behold, I found him performing Ṣalāh in his grave. I said to the one with me: ‘Don’t you see this?’ He replied: ‘Remain silent (and do not disclose this secret to anybody).’ When we had finished straightening the grave, we went to his daughter and asked her what (special act of worship) her father Sayyidunā Thābit had practised. She firstly enquired as to what we had observed that had prompted us to ask this question. So we reported the incident to her. She then informed us that for 50 years he had spent the nights observing Qiyām; and when dawn would approach he would supplicate: ‘O Allāh, if you have granted anyone the opportunity to perform Ṣalāh in his grave, then grant it to me. It does not befit Allāh to reject this supplication.’”

[*Hilyat al-Awliyā’ wa Ṭabaqāt al-Aṣfiyā’* – *al-Ṭabaqāt al-Ūlā min al-Ṭabī’in* – Imām Abū Nu‘aym al-Aṣfahānī]

9 Tadhkirat al-Mawtā wa’l Qubūr – The Abode of the Souls – Pg. 75

حدثني إبراهيم بن الصمة المهلبی قال: حدثني الذين كانوا يبرون بالحفر بالأستحار ، قالوا : كما إذا مررنا
بجنبات قبر ثابت سمعنا قراءة القرآن

Ibrāhīm ibn al-Ṣimmah al-Muḥallabī relates: “Those who would go (to the cemetery) during the early hours of the morning to dig the graves informed me: ‘Whenever we went past the grave of Thābit [al-Bunānī], we would [always] hear the recitation of the Qur’an.’” [*Hilyat al-Awliyā’ wa Ṭabaqāt al-Aṣfiyā’* – *al-Ṭabaqāt al-Ūlā min al-Ṭabī’in* – Imām Abū Nu‘aym al-Aṣfahānī]

are unable to perceive this.”¹⁰

Mullā ‘Alī al-Qārī states in *Mirqāt*¹¹:

لا فرق لهم في الحالين ولذا قيل أولياء الله لا يموتون ولكن ينتقلون من دارٍ إلى دارٍ

*“There is absolutely no difference whatsoever in the two States [of life and mortality] of the Awliyā’ of Allāh ﷺ. It is for this reason it is said about them, ‘They do not die, but rather move from one abode to another.’”*¹²

Imām Jalāl al-Dīn al-Suyūṭī, in his *Sharḥ al-Ṣudūr fī Aḥwāl al-Mawtā wa al-Qubūr* has cited a number of rigorously authenticated reports on the life of the Awliyā’ ﷺ after their worldly demise; a few of which are reproduced here:

‘Al-Imām al-‘Ārif bi’llāh al-Uṣṭādh Abū’l Qāsim al-Qushayrī (may his secret be sanctified) has narrated in his al-Risālah – with his chain of transmission – on the authority of the famous Walī, Shaykh Abū Sa‘īd al-Kharrāz (may his lofty secret be sanctified), who relates:

I was (once) in Makkah the Ennobled where at the Door of Banī Shaybah¹³ I came across a deceased person lying on the ground. When I looked at him, he opened his eyes, smiled and said:

يا أبا سعيد أما علمت أن الأحباء أحياء وإن ماتوا وإنما ينقلون من دارٍ إلى دارٍ

*‘O Abū Sa‘īd! Do you not know that the beloveds of Allāh are alive, even though they taste death? They are simply transferred from one abode to another.’”*¹⁴

10 *Ashi‘ah al-Lam‘āt – Kitāb al-Jihād Bāb Ḥukm al-Isrā’* – Vol. 3, Pg. 402.

11 *Mirqāt al-Mafātīḥ*, a commentary on *Mishkāt al-Maṣābīḥ*.

12 *Mirqāt al-Mafātīḥ Sharḥ Mishkāt al-Maṣābīḥ – Bāb al-Jumu‘ah*, The Third Section, Vol. 3, Pg. 241

13 One of the doors of al-Masjid al-Ḥarām.

14 *Sharḥ al-Ṣudūr bi Sharḥ Hāl al-Mawtā wa’l Qubūr – Bāb Ziyārah al-Qubūr wa ‘Ilm al-Mawtā* – Pg. 205

Shaykh Abū Sa‘īd al-Kharrāz further narrates from Shaykh Abū ‘Alī (may his secret be sanctified), who relates thus:

“I laid a faqīr down in his grave. When I opened his shroud, and placed his head on the earth so that the Most Compassionate may show mercy upon his impoverished state, the faqīr opened his eyes and said,

يا أبا على أتذلّني بين يدي من يدلّني

‘O Abū ‘Alī! Do you wish to humiliate me before the One Who has ennobled me?’

I enquired: *‘O my master! Is there life after death?’* He replied:

أنا حيّ وكلّ محب الله حيّ لأنصرنك بجاهي غدا

‘I am alive and so is every beloved of Allāh. Verily, I shall assist you on the Day of Judgement by virtue of the dignity and honour I shall receive on it.’¹⁵

Imām al-Qushayrī further narrates on the authority of Shaykh Ibrāhīm ibn Shaybān (may his secret be sanctified):

“One of my young disciples passed away and I was overwhelmed with the grief and sorrow by this loss. Owing to this state, as I began to give him the ritual bath and being still overwhelmed by the grief and sorrow, I mistakenly started by washing him from the left side of his body first. (Due to this) the disciple then turned over. I said, ‘My son! You are indeed correct; it is I who has erred!’¹⁶

Imām al-Qushayrī further relates on the authority of Shaykh Abū Ya‘qūb al-Sūsī al-Nahrjūrī (may his secret be sanctified):

“I laid a deceased person on the wash table, and he grabbed my thumb tightly. I responded, ‘My son! I know you are not dead; this is just a migration from

15 Sharḥ al-Ṣudūr – Bāb Ziyārat al-Qubūr wa ‘Ilm al-Mawtā – Pg. 205

16 Ibid.

one abode to the other; now, let go of my thumb!’”¹⁷

And also:

“In Makkah the Ennobled, one of my disciples said to me: ‘My spiritual mentor! I shall pass away at the time of Ṣuḥr tomorrow. My master, please take a dirham; buy a shroud and with half a dirham and arrange for burial with the other half.’

At the time of Ṣuḥr the following day, the disciple performed circumambulation (ṭawāf) of the Ka’bah. Thereafter, when he moved away from the Ka’bah and lied down to rest, he indeed passed away.


When I lowered him into his grave, he opened his eyes and I asked him, ‘Is there life after death?’ To which he replied:

أَنَا حَيٌّ وَكُلُّ مُحِبِّ اللَّهِ حَيٌّ

‘I am alive and so is every Friend of Allāh.’”¹⁸

DECEASED MUSLIMS FEEL THE PAIN OF INAPPROPRIATE ACTIONS

Notwithstanding the fact that the bodies and shrouds of ordinary Muslims may not remain intact, they still experience pain and become distressed when someone sits on their graves or even when someone leans on them. The deceased are also troubled by the sound of shoes in the graveyard. This has undoubtedly been proven from authentic Aḥādīth.

Al-Ḥākim and al-Ṭabarānī relate on the authority of Sayyidunā ‘Umārah ibn Ḥazm  who reports:

¹⁷ Ibid.

¹⁸ Sharḥ al-Ṣudūr – Bāb Ṣiyārat al-Qubūr wa ‘Ilm al-Mawtā – Pg. 86

“The Messenger of Allāh ﷺ once saw me sat on a grave and thus instructed:

ياصاحب القبر، إنزل من على القبر لا تؤذ صاحب القبر ولا يؤذيكَ

“O he who sits upon the grave, get off it; do not harm the person in the grave and let him not harm you either.”¹⁹

Imām Sa‘īd ibn Manṣūr رحمه الله narrates in his Sunan: “Someone once asked Sayyidunā ‘Abdullāh ibn Mas‘ūd ” on the ruling of one placing his foot on a grave. Sayyidunā ‘Abdullāh ibn Mas‘ūd ” replied:

كما أكره أذى المؤمن في حياته فإنى أكره أذاه بعد موته

“Just as I dislike hurting a believer if he is alive, I dislike hurting him after his death.”²⁰

Imām Aḥmad رحمه الله narrates the following Ḥadīth in his Musnad with a chain of transmission (graded Ḥasan) on the authority of Sayyidunā ‘Amr ibn Ḥazm رحمه الله who relates:

“The Messenger of Allāh ﷺ saw me leaning against a grave and so he said, لا تؤذ صاحب هذا القبر ‘Do not cause pain to the occupant of this grave’ (or, he ﷺ said,) لا تؤذه ‘Do not discomfort him.’”²¹

The pain and discomfort experienced by occupants of the grave was perceived by the great *Tābi‘īn* (Successors) and other righteous scholars who were people of spiritual insight.

Ibn Abī al-Dunyā narrates from Sayyidunā Abū Qilāba al-Baṣrī:

19 *al-Mustadrak – al-Ḥākim – Kitāb Ma‘rifah al-Ṣaḥābah*, Dhikr ‘Umārah ibn Ḥazm al-Anṣārī, Ḥadīth #6502. Also cited by Imām al-Suyūṭī in his *Sharḥ al-Ṣudūr – Bāb Ta’adhīhī bi-Sā’ir Wujūh al-Adhā* – Pg. 296

20 *Sharḥ al-Ṣudūr – Bāb Ta’adhīhī bi-Sā’ir Wujūh al-Adhā* – Pg. 292

21 *Musnad – Imām Aḥmad ibn Ḥanbal, Mishkāṭ al-Maṣābīḥ – Bāb Dafn al-Mayyit*, Pg. 149

“I was once travelling from al-Shām to al-Baṣrah. One night we camped in a moat. I performed the ritual ablution (wuḍū’) and offered two units (rak‘ah) ṣalāh. Thereafter, I slept while resting my head on a grave. When I awoke, I saw the occupant of the grave, who reproached me saying,

لقد آذيتنى منذ الليلة

“O person! You have inflicted pain upon me all night!”²²

Imām al-Bayhaqī in his *Dalā’il al-Nubuwwah* and Imām Ibn Abī al-Dunyā both narrate from Sayyidunā ‘Uthmān al-Nahdī, who relates from Sayyidunā Ibn Minā al-Tābi‘ī, who narrates thus:

“I once went to the graveyard and after offering two rak‘ahs (nafl) ṣalāh, I laid down to rest. By Allāh! I was (still) wide awake when I heard the occupant of a grave call out,

قم فقد آذيتنى

‘Get up (and move) as you are inflicting pain upon me!’²³

Al-Ḥāfiẓ Ibn Mandah relates from Imām Qāsim ibn Mukhaymarah that the latter said:

“I would rather a lance pierced my foot than to tread on a grave.”²⁴

And he further relates, *“A person once placed his foot on a grave. He heard, whilst in a wakeful state,*

إليك عني يا رجل لا تؤذيني

‘O person! Move away from me; do not cause me pain.’²⁵

22 *Sharḥ al-Ṣudūr – Bāb mā Yānfa‘ al-Mayyit fī Qabrih – Pg. 297*

23 *Dalā’il al-Nubuwwah – al-Bayhaqī - Bāb mā jā’ fī al-Rajul Sami‘a Ṣāhib al-Qabr – Vol. 7, Pg. 40, Sharḥ al-Ṣudūr – Pg. 211*

24 *Sharḥ al-Ṣudūr – Bāb mā Yānfa‘ al-Mayyit fī Qabrih – Pg. 293*

25 *Sharḥ al-Ṣudūr – Bāb Ta’adh’dhīhī bi-Sā’ir Wujūh al-Adhā – Pg. 126*

Imām al-Shurunbulālī writes in *Marāqīy al-Falāḥ*:

“My teacher, Shaykh Muḥammad ibn Aḥmad al-Ḥamaẓī al-Ḥanafī informed me, “The deceased are troubled by the sound of the shoes.”²⁶

It is for this reason, the jurists [*fuqahā*] of the Ḥanafī School have ruled that to sit, sleep on, or to erect a house, upon a grave, or to relieve oneself on or in the vicinity of a grave, are all prohibitively disliked (*makrūh taḥrīmī*) and close to *ḥarām* (unlawful).

Furthermore, it is stated in *al-Fatāwā al-Ālamgīriyyah*:

ويكره أن يبنى على القبر أو يقعد أو ينام عليه أو يطأ عليه أو يقضى حاجة الإنسان من بول أو غائط

“To construct a building (directly) on top of a grave, or to sit, sleep, or to tread upon one, or to relieve oneself on (or near) one, are all acts which are prohibitively disliked (*makrūh taḥrīmī*).²⁷

Imām (Amīn ibn ‘Ābidīn) al-Shāmī in his *ḥāshiyah* (marginal notes) on *al-Durr al-Mukhtār*, while citing proofs for the above ruling, states:

لأن الميت يتأذى بما يتأذى به الحي

“This is because those things that cause pain and discomfort to the living also do so to the deceased.”²⁸

In fact, al-Daylamī narrates with his chain on the authority of Umm al-Mu’minīn Sayyidatunā ‘Ā’ishah al-Ṣiddīqah رضي الله عنها,

26 *Marāqīy al-Falāḥ – Bāb Aḥkām al-Ḥanā’iz, Faṣl fī Ḥamlīhā wa Dafnīhā*, Pg. 233

27 *al-Fatāwā al-Hindīyyah – al-Bāb al-Ḥādī wa al-Ishrūn fī al-Ḥanā’iz, al-Faṣl al-Sādis* [6th Section] *fī al-Qabr wa al-Dafn wa al-Naql min Makān ilā Akhar* – Vol. 1, Pg. 166

28 *Radd al-Muḥtār – Kitāb al-Ṭahārah, Faṣl al-Istinjā’* – Vol. 3, Pg. 58

a report which clearly describes this ruling:

The Messenger of Allāh ﷺ said:

الميت يؤذي في قبره ما يؤذي في بيته

“Whatever causes pain and discomfort to a person in this abode, inflicts pain and causes discomfort to him in the grave.”²⁹

Ibn Abī Shaybah narrates in his al-Muṣannaf on the authority of Sayyidunā ‘Abdullāh ibn Mas‘ūd رضي الله عنه:

أذى المؤمن في موته كأذاه في حياته

“Hurting a believer after his death is the same as hurting him when he was alive.”³⁰

It is as evident as the midday sun, that excavating graves and then constructing homes upon them includes all of the above actions, which undoubtedly entails disrespect of the deceased and causing pain to them; something which is absolutely impermissible according to the Ḥanafī School of Jurisprudence.

If someone objects citing Imām al-Zayla‘ī from his commentary on Kanz³¹:

ولو بلى الميت وصار ترابا جاز دفن غيره في قبره وزرعه والبناء عليه

“If a grave is so old that the corpse has completely disintegrated in the soil, it is permissible to bury another dead body or to cultivate crops on it or to

29 al-Firdaws bi-Ma‘thūr al-Khiṭāb #754, Vol. 1, Pg. 55

30 al-Muṣannaf - Ibn Abī Shaybah – Kitāb al-Ĵanā‘iz, Bāb mā Qālū fī Sabb al-Mawtā wa ma Kuriha min dhālik, Ḥadīth #11990 – Vol. 3, Pg. 46, Sharḥ al-Ṣudūr – Bāb Ta’adhīhī bi-Sā’ir al-Wujūh – Pg. 126

31 Tabayīn al-Ḥaqā’iq sharḥ Kanz al-Daqā’iq, Fakhr al-Dīn ‘Uthmān ibn ‘Alī al-Zayla‘ī, d.743 AH.

construct a building in that place.”³²

The answer to this objection is:

Firstly:

This statement of Imām al-Zayla‘ī contradicts the aforementioned Aḥādīth and narrations, and hence is unacceptable.

Secondly:

Imām al-Shurunbulālī has refuted this statement of Imām al-Zayla‘ī in his *Imdād al-Fattāḥ*, citing narrations that contradict him, hence it is not deemed an actionable opinion.

Imām al-Shurunbulālī states in *Imdād al-Fattāḥ*:

قال فى الإمداد: ويخالفه ما فى التتارخانية: إذا صار الميت ترابا فى القبر يكره دفن غيره فى قبره لأن الحرمة باقية الخ-

“...and there is a contrary opinion in al-Tatārkhāniyyah. (Despite the position of Allāma al-Zayla‘ī) it still remains that to bury another deceased in a grave where the corpse of the deceased has decomposed is makrūh (taḥrīmī) as this is contrary to the requisite respect and sanctity of the deceased which still remains even at that point (when the corpse has decomposed).”³³

This position is fortified by what Imām ‘Abd al-Ghanī al-Nāblusī has mentioned in his *al-Ḥadīqah al-Nadiyyah sharḥ al-Tarīqah al-Muḥammadiyyah*:

معناه أن الأرواح تعلم بترك إقامة الحرمة وبالاستهانة فتتأذى بذلك

“The meaning of the deceased experiencing pain due to one leaning on the grave is that the souls perceive and know that the person has shown inadequacy in respecting

32 Tabyīn al-Ḥaqā‘iq – Bāb al-Ḥanā‘iz, Faṣl: al-Sulṭān Aḥaqq bi-Ṣalātih – Vol. 1, Pg. 246

33 Radd al-Muḥtār with reference to Imdād al-Fattāḥ – Bāb Ṣalāt al-Ḥanā‘iz – Vol. 6, Pg. 367

*it and are thus distressed by this.*³⁴

Shaykh al-Hind ‘Abd al-Ḥaqq al-Muḥaddith al-Dihlawī writes in his *Ashi‘ah al-Lam‘āt sharḥ al-Mishkāṭ*:

*“...by this, it most probably means that the soul of the deceased is displeased by his grave being leaned upon because there is disrespect of it (the soul) in doing so.”*³⁵

When merely leaning on a grave entails causing discomfort, disrespecting and violating the rights of the deceased, then surely, ploughing and constructing upon it are a greater means of discomforting the deceased and violating their rights.

Thirdly:

We question the Najdī-indoctrinated objector, *‘How do you know that the corpse has indeed completely decomposed to such an extent that not even the bones remain?’* For at this stage the grave remains unexcavated, and there is no mention in the Glorious Qur’ān or Sunnah that specifies the passing of a particular period of time after which the corpse will have become decomposed and completely mixed into the soil.

In fact, bones, even entire bodies, still fully intact have been seen many times in ancient graves that have become exposed. From the headstones, it was apparent that these graves were around 300-400 years old. Thus, it is absolutely

34 *al-Ḥadiqah al-Nadiyyah Sharḥ al-Ṭarīqah al-Muḥammadiyyah – al-Ṣinf al-Thāmin – Vol. 2, Pg. 505*

35 *Ashi‘ah al-Lam‘āt – Bāb al-Dafn, al-Faṣl al-Thālith, Vol. 1, Pg. 699*

impermissible to commit a prohibited act due to an obscure report without a valid Islamic proof and necessity.

Suppose one objects that in densely populated cities, such as Bombay (Mumbai), existing graves are, in fact, dug open for others to be buried; why would such practices be customary if this entailed dishonouring the existing occupant?

The answer to this objection is: In cities there is severe shortage of space in burial. There is not enough space to bury the dead in individual graves. Thus, it is permitted due to necessity:

الضرورات تبيح المحظورات

“*Necessity makes the prohibited permissible*,”³⁶ is a unanimously accepted principle of Islamic Jurisprudence.

In support of this, it is stated in al-Kabīrī sharḥ al-Munyah:³⁷

ولا يحفر قبر لدفن آخر ما لم يبل الأول فلم يبق له عظم إلا عند الضرورة بأن لم يوجد مكان سواه

*“An existing grave should not be excavated in order to bury another person, until the body of the buried person has not decomposed completely to the extent even the bones have perished. However, in times of necessity, a grave can be excavated where, for example, there is absolutely no alternative space available for burying the deceased.”*³⁸

36 al-Ashbāh wa al-Nazā’ir – Vol. 1, Pg. 55

37 Reference to Shaykh Ibrāhīm al-Ḥalabī’s Ghunyah al-Mustamlī Sharḥ Munyat al-Muṣallī

38 Ghunyat al-Mustamlī (Mutammalī) Sharḥ Munyat al-Muṣallī – Faṣl fī al-Janā’iz – Pg. 607

In conclusion – under the circumstances stated in the question - it is impermissible according to the Ḥanafī school of Jurisprudence to excavate the graves in order to construct buildings upon them. Undoubtedly, doing so would entail dishonouring the deceased; which is impermissible.

This is my research; and complete and perfect knowledge rests with my Lord.

The lowly servant, Muḥammad ‘Umar al-Dīn al-Sunnī al-Ḥanafī al-Qādirī al-Hazārī (May Allāh pardon him) dictated this fatwā and instructed for it to be transcribed.

ENDORSEMENTS OF THE EDICT



MAWLĀNĀ ‘ABD AL-GHAFŪR

“Whatever the has been written is true and correct.”

In *Khizānat al-Riwāyah* it states:

In *Mufīd al-Mustafīd* with reference to *Mafātīḥ al-Masā’il* it states:

“It still remains makrūh to bury another deceased in a grave even if the deceased’s body has decomposed and turned into soil, as the respect and sanctity of the deceased still remains.”³⁹

Furthermore, it is also stated in the aforementioned book:

“It is impermissible for anyone to construct a house or Masjid on a grave as the rights over this space [exclusively] belong to the occupant. For this reason, it is also impermissible to excavate graves.”⁴⁰

Written by the one in hope of mercy from his Lord, the One Who gives a just recompense (al-Shakūr), ‘Abd al-Ghafūr (may Allāh Most Exalted safeguard him from all afflictions and evils).

39 Radd al-Muḥtār with reference to Imdād al-Fattāḥ – Vol. 6, Pg. 367

40 Khizānat al-Riwāyāt

MAWLĀNĀ MUḤAMMAD BASHĪR AL-DĪN

“May Allāh Most Gracious grant the answerer abundant reward, as he has given a profound answer and has achieved the truth in the knowledge he has conveyed.”

Written by the lowly servant, Muḥammad Bashīr al-Dīn (may he be pardoned).

MAWLĀNĀ MUḤAMMAD ‘ABD AL-RASHĪD AL-DIHLAWĪ

“I have read this fatwā. The fatwā is absolutely correct. The answer is correct.”

Written by Muḥammad ‘Abd al-Rashīd al-Dihlawī (may he be forgiven).

MAWLĀNĀ MUḤAMMAD AFDĀL AL-MAJĪD

“The answer is correct.”

Muḥammad Afdāl al-Majīd (may he be pardoned).

MAWLĀNĀ MUṬĪ’ AL-RASŪL ‘ABD AL-MUQTADIR AL-QĀDIRĪ AL-BADĀYŪNĪ

“The answer is sound and correct.”

Written by the needy slave, Muṭī’ al-Rasūl ‘Abd al-Muqtadir al-Qādirī al-Badāyūnī (may he be pardoned) — 1317 AH.

MAWLANĀ MUḤAMMAD AFDAL AḤMAD AL-BADĀYŪNĪ

“This answer is matchless.”

Muḥammad Afdal Aḥmad al-Badāyūnī (may he be forgiven).

MAWLANĀ MUḤAMMAD IBRĀHĪM AL-QĀDIRĪ

“The answer is correct.”

Muḥammad Ibrāhīm al-Qādirī – 1318 AH

MAWLANĀ MUḤAMMAD ḤĀFIZ BAKHSH

“The one who has answered is correct and only Allāh has absolute knowledge as to what is correct.”

Muḥammad Ḥāfız Bakhsh (teacher at al-Madrasah al-Muḥammadiyyah, Badāyūn)

MAWLANĀ ‘ABD AL-RASŪL MUḤIBB AḤMAD

“The answer is correct.”

Written by ‘Abd al-Rasūl Muḥibb Aḥmad (may he be forgiven). [Teacher at al-Madrasah al-Shamsiyyah, Jāmi‘ Badāyūn]

IMĀM AḤMAD RIḌĀ’S ENDORSEMENT OF THE EDICT



بسم الله الرحمن الرحيم

الحمد لله الذى جعل الأرض كفاتا و أكرم المومنين أحياء و أمواتا و جعل موتهم
راحتا و سباتا و حرّم إهانتهم تحريما بتاتا والصلوة والسلام على من سقانا من فضله و
فضلته ماء فراتا و أعطانا فى كل محجة أبلح حجة نقضا و إثباتا و أبدّ تعظيم المؤمنين أبد
الآبدین و لم يوقّت له ميقاتا فجعلهم عظاما و إن صاروا عظاما و حرّم إيذائهم و لو
كانوا رفاتا و على آله و صحبه و أهله و حزبه المكرمين عند الله جميعا و أشتاتا

جزى الله المحيب خيرا و يثيب

بسم الله الرحمن الرحيم

Allāh’s Name to proceed with, the Most Affectionate, the Most Merciful.

All praise to Allāh, Who made this earth a repository; He Who bestowed honour upon believers in their lives and after death; He Who made their death, a relief and solace, and forbade disrespecting them – and prohibited doing so.

May peace and salutations be upon the blessed one who, by his gracious favours and endowments (bāqiyah), has quenched us with exceedingly sweet water to drink; and who gave us such mighty proofs that render [opposing]

proofs subdued and worthless for negation and affirmation; and who granted the believers endless respect and honour, without a predetermined duration; and made the believers great in nobility even if they turn to bones; and who has forbidden causing them pain and discomfort even though their remains may become scattered; and upon his Household, Companions, kinsfolk and group, who are honoured in the Sight of Allāh, collectively and individually.

May Allāh grant the answerer a great and abundant reward.

The clear and distinct answer of Mawlānā Mawlawī Muḥammad ‘Umar al-Dīn – he of many virtues and excellences (*Ḥāmi‘ al-Faḍā’il*), eradicator of vice (*Qāmi‘ al-Radhā’il*), supporter of the Sunnah (*Ḥāmī al-Sunan*) and the obliterator of strife and dissension (*Māḥī al-Fitan*) - is sufficient and complete. (May Allāh make him a manifestation of his name, ‘Amar al-Dīn⁴¹; and through his efforts and supervision ‘Umr al-Dīn).⁴²

41 One who gives a flourishing life to the religion.

42 umar with fat'hah on meem means "one who builds"; a substitution for aamir. [al-‘umar yuradu al-‘aamir] taj 13/134.

‘amar with fat'hah on both ayn and meem means: to live long see taj 13/127. also to hold fast unto it [lazima]; also to rehabilitate [‘amara'l kharab] taj 13/129.

umr with Dammah on ayn and jazm on meem means "aid, help" [naSr] see taj 13/140

alahazrat here is saying:

first is amaruddin - meaning may Allah ta'ala give him a long religious life, and one who rehabilitates this religion; and by his efforts, umruddin meaning the aid and support for this religion.

alahazrat has used all three - the name is umaruddin or umruddin, the second use is amaruddin and the third is umruddin. [Mawlānā Abū Ḥasan]

However, by order of the rule, that ‘*The one commanded is excused,*’ and to increase the benefit of the answer, two supplements are provided herein:

Supplement I: In support of the answerer above [and validation of his position that it is necessary to respect graves of the Muslims and to refrain from disrespecting them; and listing of things that are deemed as hurting the dead.]

If during this discourse, some previously mentioned matters are repeated, then there is no harm, for repetition only increases emphasis and strengthens the impact on the heart.

والمسك ما كررته يتضوع

The more you rub the musk, the more its fragrance spreads.

Supplement II: In establishing the truth of the aspired objective and to dispel baseless objections, delusive and erroneous doubts; to censure the wrong, and to clarify and explain that to erect a waqfī house in the graveyard of Muslims is in itself a ḥarām act, let alone building it for one’s own residence, accommodation or rest! Furthermore, the clarification of Imām al-Zayla‘ī’s statement in regards to this shall also be provided.

A copy of two fatawā issued by this poor person is, by the grace of Allāh, sufficient for this synopsis; and Guidance is from Allāh alone.⁴³

43 Only Supplement I has been translated herein.

Supplement One: The erudite scholars are in agreement that the honour due to a Muslim is the same in life and in death.

The Accomplished Researcher [*Muḥaqqiq ‘ala’l Iṭlāq*]⁴⁴ writes in *Fath al-Qadīr*:

الاتفاق على أنّ حرمة المسلم ميتاً كحرمة حيّاً

“It is commonly agreed that the sanctity and honour of a Muslim after his death remains the same as in his life.”⁴⁵

The Messenger of Allāh ﷺ has said:

كسر عظم الميت وأذاه ككسره حيّاً

“To break the bones of a deceased and cause him pain is the same as breaking [his bones] when he was alive.”⁴⁶

This has been narrated in a Ḥadīth possessing a fair (*Ḥasan*) chain on the authority of the Mother of the Believers, Sayyidatunā ‘Ā’ishah al-Ṣiddīqah رضي الله عنها by Imām Aḥmad in his *Musnad*; and by Imām Abū Dāwūd and Ibn Mājah in their respective Sunan collections.

The above narration is also recorded by Imām al-Daylamī in his *Musnad al-Firdaws* with the following words:

The Messenger of Allāh ﷺ has said:

الميت يؤذيه في قبره ما يؤذيه في بيته

“The deceased experiences pain and discomfort in his grave by that which

44 *Kamāl al-Dīn ibn al-Humām*, Muḥammad ibn ‘Abd al-Wāḥid al-Siwāsī al-Sakandarī [d. 861 AH]

45 *Fath al-Qadīr – Faṣl fī al-Dafn* – Vol. 2, Pg. 142

46 *Musnad Imām Aḥmad ibn Ḥanbal* - Ḥadīth #24739, *Sunan Abī Dāwūd – Kitāb al-Ḥanā’iz* – Vol. 2, Pg. 102, Ḥadīth #3209, *Sunan Ibn Mājah – Kitāb al-Ḥanā’iz*, Ḥadīth #1616

would have caused him pain in his house [i.e. in his life].”⁴⁷

Shaykh al-Munāwī, in his commentary on this narration, writes:

أفاد أن حرمة المؤمنين بعد موته باقية

“This means that the sanctity of a believer remains even after his death.”⁴⁸

Sayyidunā ‘Abdullāh ibn Mas‘ūd (رضي الله عنه) states:

أذى المؤمن في موته كأذاه في حياته

“To cause pain and discomfort to a deceased Muslim is the same as doing so to the living.”⁴⁹

[Narrated by Imām Abū Bakr ibn Abī Shaybah]

Scholars have said:

الميت يتأذى بما يتأذى به الحي

“Those things which cause pain and discomfort to the living also cause pain and discomfort to the deceased”⁵⁰ - as has been mentioned in *Radd al-Muhtār* and other reliable works.

Shaykh al-Muḥaqqiq (‘Abd al-Ḥaqq al-Dihlawī) in his *Ashī‘ah al-Lam‘āt* cites Imām Abū ‘Umar Yūsuf ibn ‘Abd al-Barr thus:

“At this juncture, we come to know that anything that causes pain and discomfort to the living will also cause pain to the deceased. This also implies that things that give pleasure to the living do likewise for the deceased.”⁵¹

47 *al-Firdaws bi-Ma‘thūr al-Khiṭāb* - #754, Vol. 1, Pg. 55

48 *Fayḍ al-Qadīr Sharḥ al-Jāmi‘ al-Saghīr* - #6231 – Vol. 4, Pg. 551

49 *Sharḥ al-Ṣudūr – Faṣl: Ta‘adhīhī bi-Sā’ir Wujūh al-Adhā* – Pg. 126

50 *Radd al-Muhtār – Faṣl al-Istinjā’*, Vol. 1, Pg. 299

51 *Ashī‘ah al-Lam‘āt – Bāb Dafn al-Mayyit, al-Faṣl al-Thānī*, Vol. 1, Pg. 696

It is therefore that our scholars have clearly stated that it is not permissible to walk on the newly made path in the graveyard - as mentioned in *Radd al-Muḥtār* citing Imām al-Ṭaḥṭāwī in the latter part of the Book of Purification: “*It is Ḥarām to walk on the newly made road.*”⁵²

Scholars have also stated:

“*It is makrūh to uproot the grass in cemeteries; because as long as the grass remains green, it utters praises to Allāh (dhikr), which gives comfort to the dead and Allah’s mercy descends upon them.*”⁵³

It is stated in *al-‘Ālamgīriyyah* with reference to *al-Baḥr al-Rā’iq*:

“*However, it is permitted to clear the dried grass and give it to animals. This grass should be taken out of the graveyard, not that animals should be let inside to graze on it.*”⁵⁴

The Messenger of Allāh ﷺ saw a person walking in the cemetery wearing his shoes and said:

“*Woe unto you! O the wearer of Ṭā’if footwear! Take off your shoes!*”

Abū Dāwūd, al-Nasa’ī, al-Ṭaḥāwī and others⁵⁵ have also narrated with their chains on the authority of Sayyidunā Bashīr ibn Ma’bad “ibn al-Khaṣṣāṣiyyah”, and the following

52 *Radd al-Muḥtār – Faṣl al-Istinjā’* – Vol. 1, Pg. 299

53 *Radd al-Muḥtār – Bāb Ṣalāt al-Ḥanā’iz* – Vol. 1, Pg. 606

54 *al-Fatāwā al-Hindiyyah – al-Bāb al-Thānī ‘Ashar fī al-Rabāṭāt wa al-Maqābir* – Vol. 2, Pg. 471

55 Imām Aḥmad in his *Musnad* – Vol. 5, Pg. 83, Ḥadīth #20803, *Sunan Abī Dāwūd*, Vol. 3, Pg. 217 #3230, *Sunan al-Nasa’ī* – Vol. 4, Pg. 96 #2048, *Sunan Ibn Mājah* – Vol. 1, Pg. 499 #1568, Ibn Ḥibbān #3170, al-Ḥākim in *al-Mustadrak* - Vol. 1, Pg. 529 #1381, al-Ṭabarānī - #1230

wording of the ḥadīth is according to al-Imām al-Ḥanafī’s narration: The Messenger of Allāh ﷺ saw a person walking between graves in his shoes and so he ﷺ said:

ويحك! يا صاحب السبتين إلق سبتيك

“Woe unto you! O the one wearing shoes made of hide! Cast off your shoes!”⁵⁶

Imām al-Qāḍī ‘Iyāḍ says:

“The Arabs had a custom of wearing shoes made of unprocessed leather with the hairs unremoved. Processed shoes [without hair] were made in al-Ṭā’if etc.”⁵⁷ [Hence the words in the first narration, ‘O the one wearing shoes of Ṭā’if.’]

Imām Ḥasan al-Shurunbulālī and his teacher, Shaykh Muḥammad ibn Aḥmad al-Ḥamawī, state:

“The sound of shoes causes pain to the deceased.”

These are his words as cited in his *Marāqī al-Falāḥ*:

“My teacher, Shaykh Muḥammad ibn Aḥmad al-Ḥamawī al-Ḥanafī, related to me that the deceased feel pain from hearing the sound of shoes.”⁵⁸

I (Imām Aḥmad Ridā) say: The evidence for this shall be presented shortly, from a citation of the Gnostic (*al-Ḥakīm*) al-Tirmidhī.

The Messenger of Allāh ﷺ has said:

لأن يجلس أحدكم على جمرة فتحرق ثيابه فتخلص إلى جلده خير له من أن يجلس على قبر

“Indeed, it is better for one of you to sit on a hot and glowing ember until his

56 Sharḥ Ma’ānī al-Āthār – Kūtāb al-Ḥanā’iz, Bāb al-Mashy Bayn al-Qubūr bi al-Ni’āl – Ḥadīth #2676, Vol. 1, Pg. 510

57 Sharḥ Ma’ānī al-Āthār – Bāb al-Mashy Bayn al-Qubūr bi al-Ni’āl – Vol. 1, Pg. 342

58 Marāqī al-Falāḥ – Bā Aḥkām al-Ḥanā’iz, Faṣl fī ḥamlīhāwa dafnīhā, Pg. 233

*clothes catch fire and singe his skin, than for him to sit on a grave.*⁵⁹

[Narrated by Muslim, Abū Dāwūd, Nasā'ī and Ibn Mājah on the authority of Sayyidunā Abū Hurayrah رضي الله عنه]

Sayyidunā 'Umārah ibn Ḥazm رضي الله عنه narrates: “*The Messenger of Allāh ﷺ saw me sitting on a grave and he ﷺ said:*

*“O who sits on the grave – get down. Do not trouble the dweller in the grave, and nor will he hurt you.”*⁶⁰

Al-Ṭahāwī narrates in his *Ma'ānī al-Āthār* and al-Ṭabarānī in his *al-Muḥjam al-Kabīr* with a Ḥasan chain; and al-Ḥākim, and Ibn Mandah narrate on the authority of Sayyidunā 'Umārah ibn Ḥazm رضي الله عنه, who reports:

رَأَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَالِسًا عَلَى قَبْرِ فَقَالَ: يَا صَاحِبَ الْقَبْرِ
انْزِلْ مِنْ عَلَى الْقَبْرِ لَا تُؤْذِ صَاحِبَ الْقَبْرِ وَلَا يُؤْذِيكَ

The Messenger of Allāh ﷺ saw me sitting on a grave and he said:

““O who sits on the grave – get down. Do not trouble the dweller in the grave, and nor will he hurt you.”⁶¹

The narration of Imām al-Ḥanafī has the words: فلا يؤذيك – “so that, he does not hurt you.”⁶²

59 *Ṣaḥīḥ Muslim – Kitāb al-Janā'iz, Bāb al-Nahy 'an al-Julūs 'alā al-Qabr wa al-Ṣalāh 'alayh, Ḥadīth #2292, Sunan Abī Dāwūd – Kitāb al-Janā'iz, Bāb fī Karāhiyyah al-Qu'ūd 'alā al-Qubūr, Ḥadīth #3228 – vol. 2, Pg. 104, Sunan al-Nasa'ī – Kitāb al-Janā'iz, al-Tashdīd fī al-Julūs 'alā al-Qubūr, Ḥadīth #2044, Sunan Ibn Mājah – Kitāb al-Janā'iz, Bāb mā jā' fī al-Nahy 'an al-Mashy 'alā al-Qubūr wa al-Julūs 'alayhā, Ḥadīth #1566*

60 *al-Mustadrak – al-Ḥākim - Ḥadīth #6502*

61 *al-Mustadrak – al-Ḥākim - Ḥadīth #6502*

62 *Sharḥ Ma'ānī al-Āthār – Kitāb al-Janā'iz, Bāb al-Julūs 'alā al-Qubūr, Ḥadīth #6944, Vol. 1, Pg. 346*

Imām Aḥmad narrates in his Musnad:

The Messenger of Allāh ﷺ on seeing Sayyidunā ‘Amr ibn Ḥazm ؓ reclining against a grave, said:

لَا تُؤْذِ صَاحِبَ الْقَبْرِ

“Do not hurt the person in the grave.”⁶³

[As narrated in *Mishkāṭ al-Maṣābīḥ*.]

I (Imām Aḥmad Riḍā) say: The interpretation of Imām Abū Ja‘far al-Ṭahāwī⁶⁴ is not in agreement with this Ḥadīth. The prohibition of a specific case does not necessarily mean that it negates the more generic form of that issue.⁶⁵

Al-Shaykh al-Muḥaqqiq (‘Abd al-Ḥaqq) mentions in his *Sharḥ (Ashi‘ah al-Lam‘āt)*:

“Perhaps this means that the soul is displeased by the person leaning against

63 *Kanz al-‘Ummāl* - Ḥadīth #42988, Vol. 15, Pg. 759, *Mishkāṭ al-Maṣābīḥ* – *Bāb Dafn al-Mayyit*, *al-Faṣl al-Thālith*, Ḥadīth #1721, Vol. 1, Pg. 149

64 إِنَّ أَمْرَهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالْخَلْعِ لَا لِكَوْنِ الْمَشْيِ بَيْنَ الْقُبُورِ بِالتَّعَالِ مَكْرُوهًا ، وَلَكِنْ لَمَّا رَأَى صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَدْرًا فِيهِمَا يُقَدَّرُ الْقُبُورَ أَمَرَ بِالْخَلْعِ انْتَهَى

Imām al-Ṭahāwī says: “The reason why the Messenger of Allāh ﷺ instructed the Companion ؓ to remove his shoes was not due to the fact that walking between the graves with shoes is disliked; rather, when the Messenger of Allāh ﷺ saw that filth smeared on the shoes which would dirty the graves, he ordered the shoes to be removed.”

65 The background of this is Imām al-Ṭahāwī’s explanation of ‘what sitting’ means. In *Sharḥ Ma‘ānī al-Āthār*, Vol. 1, Pgs. 516-7, #2949, he says that some scholars took these ḥadīth literally and disliked sitting on graves. However, some others said that ‘sitting’ is a euphemism for ‘sitting to defecate or urinate.’ Thus, sitting to urinate or defecate are prohibited, not merely sitting on them. Imām Aḥmad Riḍā al-Qādirī is indicating that – while sitting to urinate is a special case of ‘sitting,’ its more generic form of simply ‘sitting’ is not negated.

In other words, even if the *ta’wīl* of Imām al-Ṭahāwī is taken into account, the prohibition for sitting to defecate or urinate does not mean that it is permitted to sit otherwise. The generic case of ‘sitting’ is not necessarily negated because only the specific case is mentioned. And Allāh, the Most Exalted, knows best. [Mawlānā Abū Ḥasan]

the grave and the dweller in that grave feels disrespected and dishonoured.”⁶⁶

I (Imām Aḥmad Riḍā) state:

al-Imām al-Muḥaddith al-‘Ārif bi’llāh Ḥakīm al-Ummah Sayyidī Muḥammad ibn ‘Alī al-Tirmidhī (may his secret be sanctified) explicitly states that this is the very reason for the prohibition.

He says:

“The souls feel disrespected and dishonoured, and are thus ‘pained’ and ‘hurt’.”⁶⁷

Sayyidī ‘Abd al-Ghanī al-Nabluṣī has mentioned this in *al-Ḥaḍīqah (al-Nadiyyah)* citing from *Nawādir (al-Uṣūl)*: *“The meaning of this is that the souls are cognisant of when they are being dishonoured or disgraced and are pained by this.”⁶⁸*

The Messenger of Allāh ﷺ has said:

لأن أمشي على جمرة أو سيفٍ أو أخصف نعلی برجلي أحب إلى من أن أمشي
على قبر مسلم

“I would much rather prefer to walk on an ember, or on the blade of a sword or that I patch up my shoe with the skin of my foot than to walk on the grave of a Muslim.”⁶⁹

[Narrated by ibn Mājah on the authority of Sayyidunā ‘Uqbah ibn ‘Āmir ؓ. al-Mundhirī says that the chain of transmission is good (jayyid).]

66 *Ashi‘ah al-Lam‘āt – Bāb Dafn al-Mayyit*, Vol. 1, Pg. 699

67 *Nawādir al-Uṣūl fī Ma‘rifat Aḥādīth al-Rasūl* – 3:2

68 *al-Ḥaḍīqah al-Nadiyyah – al-Ṣiṇf al-Thāmin – al-Qasimah fī Āfat al-Rijl* – Vol. 2, Pg. 505

69 *Sunan ibn Mājah – Kitāb al-Janā‘iz, Bāb mā jā’ fī al-Nahy ‘an al-Mashy ‘alā al-Qubūr wa al-Julūs ‘alayhā*, Pg. 113, Ḥaḍīth #1567

Sayyidunā ‘Abdullāh ibn Mas‘ūd ” says:

لأن أظأ على جمرة أحب إلى من أن أظأ على قبر مسلم

“Undoubtedly, I prefer that I place my foot on an ember than to place it on a Muslim’s grave.”⁷⁰

[Narrated by al-Ṭabarānī in his *al-Muṣam al-Kabīr* with a Ḥasan chain, as stated by al-Ḥāfiẓ ‘Abd al-‘Azīm.]

It was this noble Companion, Sayyidunā ‘Abd-Allāh ibn Mas‘ūd ؓ, to whom someone asked about the ruling on stepping on a grave, to which he replied:

كما أكره أذى المؤمن في حياته فإنى أكره أذاه بعد موته

“I dislike hurting the deceased as much as I dislike hurting a living person.”⁷¹

[As stated by Sa‘īd ibn Manṣūr in his *Sunan*, as cited in *Sharḥ al-Ṣudūr*]

I (Imām Aḥmad Riḍā) say:

These aḥadīth support our preferred position and indicate that the explanation of Imām Abū Ja‘far (may Allāh, Most High, have mercy on him) is not appropriate in this place. We take from the commonly accepted books, which rely upon the explicit words of the ḥadīth; moreover, this is the position preferred by the majority of the scholars who have documented that this is the position upon which one should act. Also, the explicit wording of the ḥadīth (*riwāyah*) is in agreement with common sense (*dirāyah*) – and why not?! This is the most famous position, and the most clear and the

70 *Al-Muṣam al-Kabīr* – al-Ṭabarānī - Ḥadīth #8966, *al-Targhīb wa al-Tarḥīb – al-Tarḥīb min al-Julūs ‘alā al-Qabr* – Vol. 4, Pg. 372

71 *Sharḥ al-Ṣudūr* – Faṣl #2 fī nabh min akhbār man ra‘ā al-Mawtā fī manāmih..., Pg. 292

preferred position of the majority. And therefore, it is the weaker position that is relied upon by Imām Badr al-Dīn al-‘Aynī in his ‘*Umdah*; so ponder...

It is from these very aḥādīth that our scholars have ruled it forbidden and prohibited to walk on graves, to sit on them, or for one to step on them, without necessity⁷², as such actions contradict the necessity to uphold the sanctity and sacredness of believers, as they entail forsaking their respect and they result in dishonouring and disrespecting them.

Al-Imām al-A‘zam Abū Ḥanīfah رحمہ اللہ has ruled it *makrūh* (*taḥrīmī*) to tread upon, sit, sleep, or to relieve oneself on graves. [*al-Nawādir*, *al-Tuḥfah*, *al-Badā’i*’, *al-Muḥīṭ*. *Ibn Amīr al-Ḥājj* has stated likewise in his *al-Ḥalbah*⁷³]

I (Imām Aḥmad Riḍā) say:

When *karāhah* (dislike) of an act is mentioned without qualification, then it is *karāhat al-taḥrīm* (prohibitively disliked) as clarified by the jurists. This is affirmed by the prohibition

72 Imām Aḥmad Riḍa Khān’s footnote:

Without necessity – a circumstance of ‘necessity’ or ‘need’ would arise, for example, a grave has to be dug or a dead body has to be buried, but there are graves surrounding the place. In such a case, it is permissible to step on those graves due to necessity. Even then, one should try to avoid stepping on graves as much as possible, preferably one should be barefoot and one should pray and seek forgiveness for the inhabitants of those graves (on which one would likely step).

In the marginalia of Shaykh al-Ṭaḥṭāwī on *Marāqiy al-Falāḥ*, citing from the *Sharḥ* of *Mishkāt al-Maṣābīḥ*, it mentions: “It is not disliked to walk over graves due to necessity such as burying a dead body etc.” and in *al-Sirāj*: “If there is no other way except by crossing the grave, it is permitted to walk upon it due to necessity.” [*Ḥāshiyat al-Ṭaḥṭāwī ‘alā Marāqiy al-Falāḥ – Faṣl fī Ziyārat al-Qubūr*, pg. 411]

73 *Ḥalbat al-Mujallī Sharḥ Munyat al-Muṣallī – al-Faṣl al-Sābi’ ‘Ashar: fī Ṣalāh al-Janāzah ma’ mā Yaktanifuhā min Sawābiq wa Lawāḥiq Lā Ghinā ‘anhā* – Vol. 2, Pgs. 628

mentioned in the ḥadīth, based on causing pain to the deceased; and causing pain is *Ḥarām*. This is what we profess as our religion even if there are other opinions in the matter.

It has been mentioned in the marginalia (*ḥāshiyah*) of *al-Taḥṭāwī* on the *Sharḥ* of *Nūr al-Īdāh*,⁷⁴ with reference to *al-Sirāj al-Wahhāj*:

*“If there is no other way but to have to pass over the grave, then it is permissible to do so by virtue of the necessity that exists.”*⁷⁵

I (Imām Aḥmad Riḍā) say:

This also proves our stated position that the *karāhah* of such an action (when no necessity exists) is *tahrīm*, as by consensus, *al-mafhūm al-mukhālīf*⁷⁶ are considered and taken into account, in the narrations and statements of the scholars. Thus, it is understood that to walk on graves, without necessity, is impermissible, and that the lowest level of impermissibility is *karāhat al-tahrīm*.

Sayyidī ‘Abd al-Ghanī al-Nablusī  states in *al-Ḥadīqah al-Nadiyyah*:

“My honourable father – may Allāh Most High shower mercy on him – stated in his sharḥ on al-Durar:

*“To walk over graves is makrūh due to the Ḥadīth transmitted on the authority of Sayyidunā ‘Abdullāh ibn Mas‘ūd ” [citing the Ḥadīth above].”*⁷⁷

74 i.e. *Marāqiy al-Falāḥ*

75 *Ḥāshiyat al-Taḥṭāwī ‘alā Marāqiy al-Falāḥ – Faṣl fī Ziyārat al-Qubūr*, Pg. 412

76 Counter-implication

77 *al-Ḥadīqah al-Nadiyyah – al-Ṣinf al-Thānī min al-Aṣnāf al-Tis‘ah fī Āfat al-Rijl*, Vol. 2, Pg. 504

Imām al-Nāblusī further cites from *al-Muḥīt*:

“*To walk on graves ‘by foot’ or to sit on them is makrūh.*”⁷⁸

I (Imām Aḥmad Riḍā) say:

He added ‘by foot’ so that it is not taken to mean intercourse.⁷⁹

I (Imām Aḥmad Riḍā) say:

Engaging in intercourse (on the graves) is also makrūh. Rather, its dislikability (*karāhah*) is greater as such an action on a grave entails greater disrespect and impertinence; in the same way as engaging in such an act on the roof of a mosque would entail.

Furthermore, this also has the presence of heedlessness of death. Thus, his clarification by adding ‘foot’ also includes prohibition of sexual intercourse by way of *dalālat al-naṣṣ*⁸⁰; not that he excludes it, or considers the latter as acceptable. Thus it should be understood.

Imām al-Nāblusī cites with reference to *Ḥāmi‘ al-Fatāwā*:

“*The dust upon the grave is the right of the buried person and it is not permissible to walk upon it.*”⁸¹

He further quotes *al-Muḥtabā*: “*It is disliked (Makrūh) to walk*

78 *Aa-Muḥīt al-Burhānī* – Vol. 2, Pg. 350, Ibid.

79 As the Arabic word يطأ [root letters وطى] also shares that meaning.

80 This is a meaning derived from the spirit and rationale of a legal text even if it is not indicated in the text.

81 *al-Ḥadīqah al-Nadiyyah* – *al-Ṣinf al-Thānī min al-Aṣnāf al-Tis‘ah fi Āfat al-Rijl*, Vol. 2, Pg. 504

on graves.’⁸²

In *Shir‘at al-Islām* and its commentary it states: “It is from the *Sunnah* to avoid walking on graves wearing shoes, as the Messenger of Allāh ﷺ disliked doing so.”⁸³

It has been narrated from Imām Shams al-A‘immah (Abū Muḥammad ‘Abd al-‘Azīz) al-Ḥalwānī that he regarded it as *Makrūh*.⁸⁴

It has also been narrated from Imām ‘Alī al-Turkmānī who said: “One shall be sinful by walking upon graves as the ‘top’ of the grave is the right of the buried person.”⁸⁵

I (Imām Aḥmad Riḍā) say: This also substantiates our verdict of the action being *makrūh taḥrīmī*:

1. As an act graded as *makrūh tanẓīhī*, entails no sin; and that such an act is merely *khilāf al-awlā* (an act which is contrary to that which is preferred in that instance).
2. In order to highlight that the action is permissible (*bayān al-jawāz*), sometimes the Messenger of Allāh ﷺ would have deliberately performed that action; and Prophets are infallible (*maṣūm*), they cannot commit sins deliberately.
3. Furthermore, it is impermissible to do an act which entails a sin; therefore, what is the point of highlighting the permissibility by doing it deliberately?

82 Ibid.

83 Ibid.

84 Ibid.

85 Ibid.

4. Furthermore, they (the jurists) explicitly mention that it entails permissibility (*ibāḥah*)⁸⁶ as mentioned in the *Kitāb al-Ashribah* of *Radd al-Muḥtār* with reference to (the *fatāwā* of) Abū'l Sa'ūd.
5. The scholars refer to the action with the expression of “no harm in it” (*naḥy al-ba's*)⁸⁷; and which harm is greater than sin?
6. Furthermore, It is necessary (*wājib*) to forsake an actions that leads to sin; and the action which is obligatory to forsake is closer to being *ḥarām* and this is the meaning of prohibitively disliked (*karāhat al-tahrīm*).
7. Also, the jurists have said that a person committing a disliked action (*makrūh tanzīhī*) is not reproached, as mentioned in *al-Talwīḥ*.

Notwithstanding the above, our belief is that verily Allāh Most High can punish any transgression howsoever small.

By the grace of Allāh, these are the seven eloquent proofs refuting the mistake of a contemporary scholar⁸⁸ in his epistle on smoking, wherein he said that *makrūh tanzīhī* is from the minor sins (*ṣaghā'ir*); this opinion is a flagrant error and a grave mistake.

However, the author of *al-Baḥr* has expressly said that (only) a prohibitively disliked (*makrūh tahrīmī*) action is a minor

86 *Ibāḥah* is the right of the *Mukallaf* [one answerable in *Sharī'ah*] to do or to omit certain acts without entitlement of either reward or punishment.

87 Negation of harm

88 Mawlawī 'Abd al-Ḥayy al-Lacknawī

sins; so affirm this and do not veer away without thinking.

It has been mentioned in *Nūr al-Īdāh* and in its commentary, *Marāqīy al-Falāh*:

ندب زيارتها من غير أن يطا القبور

“It is recommended to visit the graves but the graves should not be trodden upon.”⁸⁹

It has also been mentioned in *Marāqīy al-Falāh*:

“It is *makrūh* to tread over graves as this entails disrespect.”⁹⁰

Qāḍī Khān states: “If a person enters a cemetery and finds a path in it which he thinks has been newly built, he should not walk on it. If such a thought does not enter his mind, then there is no harm in walking on it.”

[Summarised]

I (Imām Aḥmad Riḍā) say:

This is another proof for the position we have preferred; because he said that it would not be disliked contingent to a thought entering his mind that it was a path made upon a grave; in other words, if the thought entered his mind, then it would be impermissible.

The impermissibility has been explicitly mentioned by (Ibn ‘Ābidīn) al-Shāmī and al-Ṭaḥṭāwī and other erudite scholars from the Ḥanafī jurists.

Shaykh Ismā‘īl al-Nāblusī states in his ḥāshiyah on *al-Durar wa’l Ghurar*:

89 Marāqīy al-Falāh – Faṣl fī Ziyārat al-Qubūr, Pg. 340

90 Marāqīy al-Falāh – Faṣl fī Ziyārat al-Qubūr, Pg. 342

“There is no harm whatsoever in visiting graves and making supplications for the deceased on the condition that the graves are not trodden upon, as mentioned in al-Badā’i’ and al-Multaqat.”⁹¹

It is stated in *al-Ṭarīqah al-Muḥammadiyyah*:

“From the perditions [āfāt] of the feet is to walk over graves.”⁹²

The great Imām and Verifier, [Kamāl al-Dīn ibn al-Humām], criticises those who cross over other graves to reach the graves of their relatives. In such a situation, one should stop where the graves start and pray standing there, rather than stand at the graveside (as this will entail walking over other graves).

It has accordingly been stated in *al-Fath* [*al-Qadīr*]:

“It is makrūh to sit or walk on a grave. It is therefore makrūh for someone to tread upon the graves of others to reach those of his family and relatives.”⁹³

The great Imām, Muḥaddith, Ḥāfiẓ al-Ḥadīth Abū Bakr ibn Abī’d Dunyā narrates with his chain on the authority of Sayyidunā Abū Qilāba⁹⁴ ﷺ:

“I was returning to al-Baṣrah from al-Shām when I alighted (to rest for the night) in a trench. I performed the ritual ablution and offered two units of prayer. Thereafter, I slept resting my head on a grave. When I woke up, I heard the occupant of the grave complaining and he said, ‘You have been troubling me since last night!’”⁹⁵

91 *al-Ḥadīqah al-Nadiyyah* with reference to *Hāshiyat al-Durar – al-Ṣinf al-Thānī min al-Aṣnāf al-Tis‘ah fī Āfāt al-Rijl*, Vol. 2, Pg. 505

92 *al-Ṭarīqah al-Muḥammadiyyah – al-Ṣinf al-Thāmin fī Āfāt al-Rijl*, Vol. 2, Pg. 259

93 *Sharḥ Fath al-Qadīr – Faṣl fī al-Dafn...* - Vol. 2, Pg. 142

94 Abū Qilābah al-Jarmī al-Baṣrī; his name is ‘Abdullāh ibn Zayd – al-Dhahabī calls him Shaykh al-Islām. He passed away in 106/107 AH (according to Yahyā ibn Ma‘īn).

95 *Sharḥ al-Ṣudūr* with reference to Ibn Abī’d Dunyā – *Bāb Mā Yanfa’ al-Mayyit fī Qabrih*,

Ibn Abī’d Dunyā and Imām al-Bayhaqī (in his *Dalā’il al-Nubuwwah*) narrate with their chains, on the authority of Sayyidunā ‘Uthmān al-Nahdī ؓ who relates from Sayyidunā Mīnā, the Tābi‘ī, ؓ thus:

*“I went to a graveyard. After offering two rak‘ahs (supererogatory) ṣalāh, I laid down to rest. By Allāh! I was still wide awake that I heard an occupant of a grave calling, ‘Get up (and move) as you are hurting me!’”*⁹⁶

Imām al-Ḥāfiẓ ibn Mandah narrates on the authority of al-Qāsim ibn Mukhaymarah:

*“A person placed his foot on a grave. A voice from the grave called out, ‘Move away from me! Do not hurt me!’”*⁹⁷

[The aforementioned narrations have been cited by Imām Jalāl al-Dīn al-Suyūṭī in his Sharḥ al-Ṣudūr bi-Sharḥ Ḥāl al-Mawtā wa’l Qubūr.]

I (Imām Aḥmad Riḍā) say:

Both narrations substantiate the position held by the majority of our scholars, contrary to the stance held by Imām Abū Ja‘far and those who followed him from the muta’akakhirīn [latter jurists].

This lowly servant – may Allāh Most High pardon him – heard from his master Abū’l Ḥusayn [Aḥmad] al-Nūrī (may Allāh extend his life):

“In the vicinity of Māraḥrah, the Purified, there is a forest, Ganj Shahīdā(n), where there are a number of martyrs laid to rest. It so happened, that once

Faṣl fī nabdh min Akhbār man ra‘ā al-Mawtā fī manāmih, Pg. 297

96 *Dalā’il al-Nubuwwah*, al-Bayhaqī – *Bāb Mā jā’ fī al-Rajul...*, Vol. 7, Pg. 40, *Sharḥ al-Ṣudūr* – *Faṣl fīhī Fawā’id*, Pg. 211

97 *Sharḥ al-Ṣudūr*, citing Ibn Mandah from al-Qāsim ibn Mukhaymarah, “on all forms of hurting the dead (*Ta’ad’dhīhī bi-Sā’ir wujūh al-adhā*)”, Pg. 293

someone was taking his buffalo with him that at a place where the earth was soft, a foot of the buffalo landed and sunk in. It became apparent that this was a grave. A voice from the grave called out: ‘O man! You have caused me pain. The foot of your ox has landed on my chest!’”

[This is an extraordinary story which hints at the great power of Allāh, the Most Exalted, and the amazing favours upon those who have been martyred in His path.]

Now, by the grace of Allāh Most High, the ruling of this issue is as clear as the mid-day sun.

When the Messenger of Allāh ﷺ:

❖ forbade sitting on graves, reclining on them or even walking in the cemetery wearing one’s shoes;

and the scholars and jurists have:

❖ prohibited walking on a newly built pathway in a cemetery so as to protect the graves from being trodden upon; in fact even forbidding one from sleeping near a grave - it is from the *sunnah* to even refrain from sitting near them; rather, it is adhering to the etiquettes (*ādāb*) of visitation that one should do *ziyārah* while standing at a distance.

❖ permitted feeding animals dry grass (from the cemetery) but on the condition that the grass is cut and taken away and the animals are not let loose to graze (in the cemetery);

❖ made manifestly clear that the sanctity and respect of a Muslim, alive or deceased, is the same; and informed us that all those things that cause pain to the living, will also cause pain to the dead; and that causing pain to them is *ḥarām*.

It becomes abundantly clear that this action mentioned

in the question (i.e. excavating graves and building houses) is extremely offensive, utter disrespect to the dead, a sin and an act that deserves Divine Retribution. Once such a house has been constructed over a grave, then invariably, this will result in walking over, strolling, sitting, lying, sleeping, treading on, urinating, excreting and engaging in conjugal relations over the graves - not sparing even a moment without immodesty or the infliction of pain upon the deceased – we seek Allāh’s refuge, Lord of the worlds!

Scholars have said: “*Verily, wherever forty Muslims gather, there is a Walī among them.*”⁹⁸ [As mentioned by Shaykh al-Munāwī in his *al-Taysīr sharḥ al-Jāmi‘ al-Ṣaghīr*]

It is quite clear and apparent that there are hundreds of graves of Muslims in a cemetery, in fact, Allāh knows best as to how many are actually buried in a single grave. Thus, it entails that there shall be the close servants of Allāh amongst these; rather, the existence of such servants of Allāh is more probable from amongst the deceased, as many servants of Allāh who were stained with the impurity of sins whilst physically alive, become pure and purified after their demise.

As the Messenger of Allāh ﷺ has said:

الموت كفارة لكل مسلم

98 *al-Muḥam al-Kabīr – al-Ṭabarānī* #502, Vol. 1, Pg. 190, *al-Jāmi‘ al-Ṣaghīr* - #714, Pg. 50, *Fayḍ al-Qadīr* – Vol. 1, Pg. 497, *al-Taysīr sharḥ al-Jāmi‘ al-Ṣaghīr*

“Death is an expiation for every (Sunnī)⁹⁹ Muslim.”¹⁰⁰

[As narrated by Abū Nu‘aym and al-Bayhaqī in his *Shu‘ab al-Īmān* on the authority of Sayyidunā Anas رضي الله عنه. Imām al-Suyūṭī states: (al-Qāḍī Abū Bakr) ibn al-‘Arabī has declared the soundness of this report.]

Also, the Messenger of Allāh ﷺ has instructed that the sins and profligacy of open sinners (*fājir mu‘īn*) be made public in his/her lifetime, so that people are sufficiently warned and guarded about him/her.

As narrated by Ibn Abī’d Dunyā in *Dhamm al-Ghībah*¹⁰¹ and

99 A *Mu‘min* or a Muslim, when mentioned in the Qur’an or the Ḥadīth, refers exclusively to the *Ahl al-Sunnah*, as indeed, only the (adherents of the) *Ahl al-Sunnah* were present at the time of the revelation of the Qur’an and when the Prophetic sayings (aḥādīth) were being transmitted.

It is impossible that a deviant or a heretic to have existed at that time, because heresy is (usually) the product of incorrect interpretation of an unclear statement.

When the Messenger of Allāh was present in this world, and had knowledge that was certain and incontrovertible (*yaqīn qat‘ī*), there was no form of heresy. Because, if any doubt was raised, he ﷺ would clarify it.

Now, if the person who brought this doubt would accept the clarification of the Messenger of Allāh, he would remain a sunnī believer; if he did not accept it, he would become a *kāfir* forthwith. There was no middle-way in his blessed time.

It is for this reason, when the scholars have deduced the authority of *Ijmā‘* (consensus) from the verse: “...and follows a path other than that of the believers...” they have explicitly mentioned that the unanimous opinion of *mubtadi‘īn* (innovators) is rejected in establishing *ijmā‘* as, “that of the believers,” (in this verse) refers to *Ummah al-Ijābah*. *Mubtadi‘īn* are not *Ummah al-Ijābah*, rather they are *Ummah al-Da‘wah*. Refer to *al-Tawdīh wal Takwīh* in the Chapter on *Ijmā‘* and other books for further details. It is worth remembering this beneficial note, that in Qur’anic verses or the Sacred Traditions, wherever the word *mu‘min* or *mu‘minin* is used it refers to the *Ahl al-Sunnah* only e.g. in the Ḥadīth: ‘All *mu‘minūn* are brothers’ it refers to the *Ahl al-Sunnah*. It is their unity and agreement that is meant here. To present such excerpts in a failed attempt to legitimise and legalise the Nadwah movement and unity with all sects and heretics and mutual respect to all [‘love for all hate for none’] is heresy and clear misguidance – and refuge is in Allāh Most High! [Imām Aḥmad Riḍā Khān al-Qādirī]

100 *Shu‘ab al-Īmān* – *Faṣl fī dhikr mā fī al-Awḥā‘ wa al-Amrād wa al-Muṣībāt min al-Kaffārāt*, Ḥadīth #9886 – Vol. 7, Pg. 171, *Ḥilyah al-Awliyā’* – Abū Nu‘aym – Vol. 3, Pg. 121, *Sharḥ al-Ṣudūr* – Pg. 24

101 *Dhamm al-Ghībah wa al-Namīmah* – *Bāb al-Ghībah al-latī Yaḥill li-Ṣāḥibihā al-Kalām bihā*,

al-Tirmidhī in *Nawādir al-Uṣūl*¹⁰², *al-Hākim* in *al-Kunā*, *al-Shīrāzī* in *al-Alqāb*, Ibn ‘Adīyy in *al-Kāmil*¹⁰³, *al-Ṭabarānī* in *al-Muṣjam al-Kabīr*, *al-Bayhaqī* in *al-Sunan*¹⁰⁴, *al-Khaṭīb* in *al-Tārīkh*¹⁰⁵ on the authority of al-Jārūd who reports from Sayyidunā Bahz ibn Ḥakīm who reports from his father who narrates from his grandfather, who relates from the Beloved Prophet ﷺ who said:

أترعون عن ذكر الفاجر متى يعرفه الناس أذكروا الفاجر بما فيه يحذره الناس

“(Out of consideration) do you refrain from mentioning the evil of an open sinner? When will people recognise them? Do mention the evil of the transgressors and open sinners so that people are guarded and sufficiently warned about them.”¹⁰⁶

Whereas, after the death of a person, we have been prohibited from mentioning the sins and evil actions of any sinner however great a sinner he may have been, as he has reached where his deeds have taken him to.

Imām Aḥmad, al-Bukhārī, and al-Nasā’ī all relate with their chains of transmission on the authority of Umm al-Mu’minīn Sayyidatunā ‘Ā’ishah al-Ṣiddīqah رضي الله عنها who reports from the Messenger of Allāh ﷺ who said:

لا تسبوا الأموات فإنهم قد أفضوا الى ما قدموا

“Do not speak ill about the deceased, as they have reached their jazā’ (requital) for

Ḥadīth #81, Pg. 88

102 *Nawādir al-Uṣūl – al-Aṣl al-Sādis wa al-Sittūn wa al-Mi’ah, fī Dhikr al-Fājir bimā fīh li al-Taḥdhīr minh* – Vol. 2, Pg. 155

103 *al-Kāmil fī al-Ḍu’afā’* – Vol. 2, Pg. 173

104 *Al-Sunan al-Kubrā – Kitāb al-Shahādāt, Bāb al-Rajul min Ahl al-Fiqh Yus’al*, Ḥadīth #21442, Vol. 10, Pg. 210

105 *Tārīkh Baghdād*, Ḥadīth #349, Vol. 1, Pg. 382

106 *al-Sunan al-Kubrā – al-Bayhaqī #19260, al-Muṣjam al-Ṣaghīr – al-Ṭabarānī #599*

*whatever they did.*¹⁰⁷

Abū Dāwūd, al-Tirmidhī, al-Ḥākim, and al-Bayhaqī all relate on the authority of Sayyidunā Ibn ‘Umar رضي الله عنه that the Messenger of Allāh ﷺ said:

أذكر محاسن موتاكم وكفوا عن مساوئهم

*“Mention the good qualities of the dead amongst you and refrain from mentioning the vile and unpleasant things about them...”*¹⁰⁸

Al-Nasā’ī reports with a chain of transmission graded as *jayyid* (strong) on the authority of Umm al-Mu’minīn Sayyidatunā ‘Ā’ishah al-Ṣiddīqah رضي الله عنها who reports that the Messenger of Allāh ﷺ has said:

لا تذكروا هلكاكم إلا بخير

*“Do not mention your deceased except in a good manner.”*¹⁰⁹

If people do not refrain even after being informed of all this, then their disrespect is not just with the graves of ordinary believers but with Awliyā’ as well. And a person who disrespects or hurts the Awliyā’ of Allāh will suffer a great calamity.¹¹⁰

107 Ṣaḥīḥ al-Bukhārī – Kitāb al-Ḥanā’iz, Bāb ma Yunhā min Sabb al-Amwāt, Ḥadīth #1329, Vol. 1, Pg. 187, Musnad – Imām Aḥmad - Ḥadīth #25470, Sunan al-Nasa’ī – Kitāb al-Ḥanā’iz, Bāb al-Nahy ‘an Sabb al-Amwāt, Ḥadīth #1936

108 Sunan Abī Dāwūd – Bāb ma fī al-Nahy ‘an Sabb al-Mawtā, Ḥadīth #4900, Vol. 2, Pg. 315, Sunan al-Tirmidhī – Kitāb al-Ḥanā’iz, Ḥadīth #1019, al-Mustadrak – al-Ḥākim – Kitāb al-Ḥanā’iz, Ḥadīth #1421, al-Sunan al-Kubrā – Kitāb al-Ḥanā’iz, Bāb al-Nahy ‘an Sabb al-Amwāt wa al-Amr bi’l-Kaff ‘an Masawīhim, Ḥadīth #7440

109 Sunan al-Nasa’ī – Kitāb al-Ḥanā’iz, al-Nahy ‘an Dhikr al-Halkā Illā bi-Khayr, Ḥadīth #1935, Vol. 1, Pg. 222

110 In al-Tarā’if wa al-Talā’id of Imām Muḥammad al-Kuntī: “No matter how hard we look, we have yet to find a scholar of jurisprudence who denied and criticised the Sufis that Allāh did not destroy with a disastrous end.”

The Messenger of Allāh ﷺ, in a Ḥadīth Qudsī relates:
Allāh Most High states:

من عادى لى وليا فقد اذنته بالحرب

“Whosoever bears animosity with a friend (Walī) of Mine, I have declared war upon him....”¹¹¹

[Narrated by Imām al-Bukhārī in his ṣaḥīḥ on the authority of Sayyidunā Abū Hurayra ؓ]

I (Imām Aḥmad Riḍā) say:

It is sufficient proof that it was reported in *al-Jāmi‘ al-Ṣaḥīḥ* (of Imām al-Bukhārī), even though there was in the heart of al-Dhahabī something about it.

Imām ‘Abd al-Wahhāb al-Sha‘rānī quotes his Shaykh, Imām ‘Alī al-Khawwās, in his *Latā’if al-Minan*: Just as it is imperative to have faith in all the Prophets ﷺ without exception, to believe in them and love them, the same applies to the saints of Allāh. If someone should believe in all the saints except one, without a valid reason, this person thereby has denied all the saints and declared war on Allāh. Whoever rejects the claim of a saint has rejected the claim of a Prophet.

Imām al-Sha‘rānī further related: Ibn Labbān slandered Sīdī Aḥmad al-Badawī, may Allāh bestow His mercy on him, and consequently lost his memory of the Glorious Qur’ān and other knowledge. But he persisted in seeking intercession from the Saints, until he was guided to Sīdī Yaqūt al-‘Arshī, who came to the tomb of Aḥmad al-Badawī. He addressed him, “O you father of spiritual heroes! Restore to this wretched one his wealth!” Sīdī Aḥmad replied, “Only if he repents.” So he repented, and his wealth (knowledge) was restored to him.

He went on to say: Our Shaykh, al-Shannāwī, informed me that a certain person criticised the birthday celebration (mawlid) of Sīdī Aḥmad al-Badawī (d.1276), so he was stripped of his faith to the point that he felt not the slightest trace of longing for Islam. So he sought help from Sīdī Aḥmad, who told him, “On that condition that you do not repeat your offense.” He agreed, and was restored the garment of his faith. Then Sīdī Aḥmad asked him, “What was it you were criticising?” The men replied, “The intermingling of men and women (at your celebration).” Sīdī Aḥmad answered, “That happens during the Ṭawāf of the Sacred House during Ḥajj, and no one is prevented from performing the Ḥajj (because of that).”

The ill-fate of Ibn al-Saqqā’ - a contemporary of al-Ghawth al-A‘zam Shaykh ‘Abd al-Qādir al-Jīlānī - in his incident with the Ghawth of his age is sufficient proof for the inherent danger in harbouring enmity towards and reviling the Awliyā’ of Allāh.

111 Ṣaḥīḥ al-Bukhārī – Kītāb al-Riqāq, Bāb al-Tawādu‘, Ḥadīth #6137, Vol. 2, Pg. 963

In conclusion, it is necessary for these people to have pity on their pitiful selves and fear the Retribution of Allāh, The Vanquisher (*al-Ḥabbār*), the Subduer (*al-Qaḥḥār*), glorified is He, and refrain from hurting deceased Muslim. After all, one day, they too will have to die and join the dead in their graves and become helpless and powerless like them. Just as these (living) folk are treating the dead, those in the future will also treat them likewise.

It is a saying of the Messenger of Allāh ﷺ:

كما تدين تدان

“You shall reap what you sow.”¹¹²

[Narrated by Ibn ‘Adīyy in al-Kāmil on the authority of Sayyidunā Ibn ‘Umar رضي الله عنه, Imām Aḥmad in his al-Musnad on the authority of Sayyidunā Abū’d Dardā’ رضي الله عنه, Imām ‘Abd al-Razzāq in his *al-Ḥāmi*‘ on the authority of Sayyidunā Abū Qilābah رضي الله عنه *mursalan*¹¹³ - and according to the latter two, this is an excerpt from a Ḥadīth.]

I [Imām Aḥmad Riḍā] say:

There are many *shawāhid* (auxiliary narrations)¹¹⁴ for this

112 *al-Muṣannaf* - ‘Abd al-Razzāq - Ḥadīth #20262, *Kanz al-Ummāl* - #43032 – Vol. 15, Pg. 772

113 A *mursal* ḥadīth is one where mention of the narrating *Ṣaḥābī* is absent in the sanad (chain of transmission). Such aḥādīth will commence with a Successor (*Tābi’ī*) saying, “The Messenger of Allāh has said ...” Due to the uprightness of all the Companions, if a Successor does not mention from which *Ṣaḥābī* he received the Ḥadīth, it is accepted. This means that if a Ḥadīth has an acceptable chain to a Successor, and the Successor attributes it to an unspecified Companion, the isnād is considered acceptable.

114 *Shawāhid* – In Ḥadīth terminology (*iṣṭilāḥ*) means supporting chains of the same content or “witnessing” Aḥādīth.

report and that this Ḥadīth is (an example) from the *jawāmi‘ al-kalim* [pithy expressions that are immensely profound] granted to the Messenger of Allāh ﷺ.¹¹⁵

We beseech Allāh, the Most Exalted, that this tribulation, widespread among the ignorant has been propagated by the ignoramuses, who believe the deceased become completely stone-like (i.e. lifeless and inanimate) and having turned to dust and no longer hear or perceive anything and do not feel any pain, nor are comforted by anything.

They have exerted all their efforts in attempting to remove respect accorded to graves of Muslims from the hearts of the general public.

فَأَنَا لِلَّهِ وَأَنَا إِلَيْهِ رَاجِعُونَ

“(Indeed) To Allāh we belong; and to Him is our return.”¹¹⁶



115 فَضَّلْتُ عَلَى: عَنِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ
الْأَنْبِيَاءُ بِسِتٍّ: أُعْطِيتُ جَوَامِعَ الْكَلِمِ، وَنُصِرْتُ بِالرُّعْبِ، وَأُحِلَّتْ لِيَ الْغَنَائِمُ، وَجُعِلَتْ لِيَ الْأَرْضُ طَهُورًا
وَمَسْجِدًا، وَأُرْسِلْتُ إِلَى الْخَلْقِ كَافَّةً، وَخُتِمَ بِيَ النَّبِيُّونَ

On the authority of Sayyiduna Abū Hurayrah who reports: The Messenger of Allāh said: “I have been given superiority over the other Prophets ﷺ in six respects: I have been given words which are concise but comprehensive in meaning; I have been helped by terror (in the hearts of enemies): spoils of war have been made lawful for me; the earth has been made for me pure and a place of worship; I have been sent to all mankind and the chain of Prophets ﷺ is terminated with me.” [Ṣaḥīḥ Muslim, vol 1, #1162, also in Ṣaḥīḥ al-Bukhārī, Ḥāmi‘ al-Tirmidhī, Musnad Imām Aḥmad, Sunan al-Nasā’ī, Musnad Abī Yā‘lā, al-Bayhaqī in Shu‘ab al-Īmān, al-Dāraqutnī]

116 al-Baqarah – 2:156

Only the first part of Ala Hazrat's fatwa has been rendered into English. The second part has not been translated due to it being a scholarly discussion on the fiqh rules relating to waqf (endowment).

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